Mr. Butt states steering efficient and that probably Dunlop tanks in the lorry rolled about and not firmly rested caused lorry out of control. Fined $100/- or 3 months R.I. on the 1st charge. Cautioned and discharged on the 2nd charge. Licence to be endorsed."

Time and again pronouncements have been made by Judges of the Supreme Court as to importance and necessity of taking proper notes in a criminal case where the accused pleads guilty. I can only repeat such a pronouncement. Such a necessity is all the more obvious in a case of a serious nature such as this.

In this case I decided to record evidence myself and from such evidence it was clear to me that this was a case of gross negligence which resulted in the death of a harmless human being who was a passenger in the Respondent's lorry at the time of the accident and who was crushed to death when the lorry finally crashed into a bank after careering off the road surface into a side drain.

In such circumstances I considered that the sentence of the learned Magistrate was totally inadequate and I altered such sentence to one of 12 months' Rigorous Imprisonment.

Sentence enhanced.

[REVISIONAL CIVIL JURISDICTION]

TERREL, Ag. C.J.

November 3, 1938.

JOSEPH v. SAYAMPANATHAN (m.w.).

(SELANGOR CIVIL SUIT No. 806 of 1938)

SAYAMPANATHAN (m.w.) v. JOSEPH.

(SELANGOR CIVIL SUIT No. 936 of 1938)

Civil Procedure Code, Ss. 232, 573—Claims involving taking of accounts to what extent cognizable by Magistrates' Courts.

Two counter suits filed between the same parties involved the taking of accounts as between principal and agent. On a reference to the Judge for decision on the question whether such suits must necessarily be brought to the Supreme Court.

Held, that the Magistrate had jurisdiction under Section 232 of the Civil Procedure Code to hear and decide the suits, his jurisdiction not being affected by the fact that when accounts are taken in the Supreme Court a special procedure is laid down.

Held, further, that on such reference the parties are entitled to be heard if they so desire.

Reference to the Judge under Section 573 of the Civil Procedure Code.

Benjamin for Joseph.

Tenku Ismail for Sayampanathan.

Terrell, Ag. C. J.—The learned Magistrate has referred to the Supreme Court the question whether suits involving the taking of accounts must necessarily be brought to the Supreme Court.

Under section 573 of the Civil Procedure Code, parties are entitled to be heard if they so desire; but I understand from the note made by the learned Magistrate, that it was agreed that *counsel should submit their arguments in writing (which has been done)* and they do not desire to present further arguments orally.

There is no doubt that section 232 of the Civil Procedure Code applies to the Magistrate's Courts (see Schedule 4). The fact that when accounts are taken in the Supreme Court, a special procedure is laid down, does not affect the question of jurisdiction. It merely results in this, that if accounts have to be taken in a Magistrate's Court, such accounts have to be taken in a summary manner by the Magistrate himself.

Most money claims, cognizable by the Magistrate's Courts, involve the calculation of interest, or the allowance of sums paid to account. To this extent such claims involve the taking of an account, and it has never been suggested that such claims are not cognizable by the Magistrate's Court.

I rule, therefore, that the Magistrate has jurisdiction to hear and decide both the above suits.

Reference Answered.

[ORIGINAL CIVIL JURISDICTION]

RAJA MUSA, Ag. J.

June 10, 1939.

CHU CHIK SANG

v.

CHHI TIAM AND 30 OTHERS

(SELANGOR MAGISTRATE'S CIVIL APPEAL No. 4 of 1938)

Labour Code (Cap. 154) S. 152—Usage in mines.

There is a general usage in the tin mining industry among Chinese that daily paid coolies in a tin mine may leave, or be dismissed from, their employment without notice.

A. J. Bostock-Hill for Appellant.

Respondents in person.

Raja Musa, Ag. J.—In this case the Protector of Chinese, Selangor, as Deputy Controller of Labour